

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CITIZENS FOR PENNSYLVANIA'S
FUTURE, et al.,

Plaintiffs,

v.

MICHAEL S. REGAN,¹

Defendant.

Case No. 19-cv-02004-VC

**ORDER DENYING MOTION TO
AMEND JUDGMENT AND DENYING
MOTION TO INTERVENE**

Re: Dkt. Nos. 46, 47

The motion to amend the judgment is denied without prejudice. A renewed motion, if EPA can make a stronger showing in support of it, may be filed within 14 days. The motion to intervene is denied, but if a renewed motion to amend the judgment is filed, the proposed intervenors may file an amicus brief within 7 days of that filing.

EPA states that folding compliance with the judgment into its proposed expanded rulemaking would be “prudent, efficient, and helpful for the public and regulated entities.” Lassiter Decl. at 7, Dkt. No. 46-2. That alone does not justify an extension of the deadline to comply with the judgment in a mandatory duties case. *See* Order re Cross-Motions for Summary Judgment at 17-20, Dkt. No. 43. If the agency can show that it would cause a significant waste of agency or industry resources (including time) to require it to comply with the judgment before conducting the additional rulemaking, the Court will grant a renewed motion. But the current motion and supporting papers do not make that showing.

¹ Michael S. Regan, the current EPA Administrator, is automatically substituted for Andrew R. Wheeler as the defendant under Fed. R. Civ. P. 25(d). The Clerk is directed to update the caption appropriately.

In the renewed motion, the agency (and the plaintiffs) should identify two completion dates: one for the event that the Court agrees that compliance can be folded in with the new rulemaking, and one for the event that the Court does not.

IT IS SO ORDERED.

Dated: August 15, 2022

A handwritten signature in black ink, appearing to read 'VCH', is positioned above a horizontal line.

VINCE CHHABRIA
United States District Judge